

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 07, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRIAN J.,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 2:22-CV-0255-JAG

ORDER GRANTING
STIPULATED REMAND

Before the court is the parties' Stipulated Motion to Remand. ECF No. 22. After considering the motion, file and proposed order, it is hereby **ORDERED**:

1. The parties Stipulated Motion to Remand, **ECF No. 22**, is **GRANTED**.

2. Based on the stipulation of the parties, the above-captioned case is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council shall instruct the administrative law judge to:

- a) Obtain additional testimony from a vocational expert regarding whether there are jobs existing in significant numbers that an individual with claimant's RFC could perform;

ORDER GRANTING STIPULATED REMAND - 1

- b) Identify and obtain a reasonable explanation for any conflicts between occupational evidence provided by vocational experts and information in the Dictionary of Occupational Titles (DOT). See SSR 00-4p (2000);
- c) Reevaluate the persuasiveness of the medical opinions, including the opinions of William Phillips, M.D.; and
- d) Offer the claimant the opportunity for a hearing, take further action to complete the administrative record resolving the above issues and issue a new decision.

3. All other pending motions are **DENIED AS MOOT**.

4. Judgment shall be entered for **Plaintiff**.

5. Upon proper consideration, the Court will consider Plaintiff's application for reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, enter judgment in favor of the Plaintiff, provide copies of the Order and Judgment to counsel, and **CLOSE THIS FILE**.

DATED November 7, 2023.



A handwritten signature in blue ink that reads "James A. Goetze".

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE